

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

DANNY R. CAMPELL,)
Petitioner,)
v.)
CARL BEAR, Warden,)
Respondent.)
Case No. CV-20-16-R

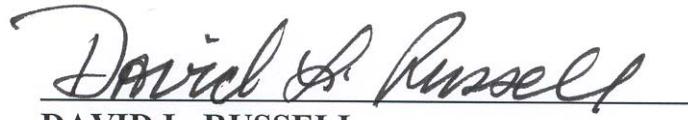
ORDER

Before the Court is the Tenth Circuit's limited remand directing the Court to consider whether Petitioner is entitled to a certificate of appealability. Doc. No. 23. Upon consideration of the record, the Court denies Petitioner a certificate of appealability.

Under Rule 11 of the Rules Governing Section 2254 Proceedings, the Court must issue or deny a certificate of appealability when it enters a final order adverse to a petitioner. The Court finds that no reasonable jurists would debate the procedural dismissal of the instant petition, and declines to issue a certificate of appealability. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000)(“When the district court denies a habeas petition on procedural grounds without reaching the prisoner’s underlying constitutional claim, a COA should issue when the prisoner shows, at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.”). In light of Petitioner’s history of repeated § 2254 filings directed at the same

conviction, as addressed in the Report and Recommendation, the Court finds Petitioner cannot meet this standard. Accordingly, the Court denies a certificate of appealability.

IT IS SO ORDERED this 5th day of June 2020.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE